

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

MARVIN J.,

Plaintiff,

v.

CIVIL NO. 2:20-CV-356

KILOLO KIJAKAZI,

*Acting Commissioner of
Social Security Administration,*

Defendant.

FINAL ORDER

Marvin J.¹ (“Plaintiff”) brought this action under Section 405(g) of the Social Security Act (“SSA”), 42 U.S.C. § 405(g), seeking judicial review of the decision of the defendant, Kilolo Kijakazi,² Acting Commissioner of the Social Security Administration (“Commissioner”), which denied Plaintiff’s claim for a period of disability and Disability Insurance Benefits (“DIB”). ECF No. 1. Both parties moved for summary judgment. ECF Nos. 13, 15.

The matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure as well as Rule 72 of the Local Rules of this Court. ECF No. 11. The Report and Recommendation of the Magistrate Judge was filed on July 30, 2021, which recommends that the Court grant the Commissioner’s Motion for Summary Judgment (ECF

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Kilolo Kijakazi is the Acting Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 U.S.C § 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

No. 15) and deny Plaintiff's Motion for Summary Judgment (ECF No. 13). ECF No. 18 at 1, 43. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted). To date, neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

Therefore, the Court hereby **ADOPTS** the findings and recommendations of the Magistrate Judge as set forth in the Report and Recommendation filed on July 30, 2021. ECF No. 18. Accordingly, the Court **GRANTS** Commissioner's Motion for Summary Judgment, ECF No. 15, **DENIES** Plaintiff's Motion for Summary Judgment, ECF No. 13, and **UPHOLDS** the final decision of the Commissioner.

The Clerk is **DIRECTED** to forward a copy of this Final Order to all Counsel of Record.

IT IS SO ORDERED.



Robert G. Doumar
Senior United States District Judge

Norfolk, VA
August 19, 2021